

MONTANA LEGISLATIVE HISTORY

20 9.706

Chapter 377 ~~19~~ 2001

Bill H 265 S _____ Original bill & history ☒ c

H. Committee on Education

Hearing Date(s) 1/19 _____ c

2/7 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Education & Cultural Resources

Hearing Date(s) 3/7 _____ c

3/9 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE BILLS AND RESOLUTIONS

407

1/11	Referred to Judiciary		
1/26	Hearing		
1/26	Committee Executive Action--Bill Passed	17	0
1/26	Committee Report--Bill Passed		
1/30	2nd Reading Passed	97	2
1/31	3rd Reading Passed	95	4
	Transmitted to Senate		
2/01	Referred to Judiciary		
3/07	Hearing		
3/07	Committee Executive Action--Bill Concurred	8	0
3/07	Committee Report--Bill Concurred		
3/10	2nd Reading Concurred on Voice Vote	39	0
3/12	3rd Reading Concurred	49	0
	Returned to House		
3/13	Sent to Enrolling		
3/13	Returned from Enrolling		
3/14	Signed by Speaker		
3/19	Signed by President		
3/19	Transmitted to Governor		
3/28	Signed by Governor		
3/29	Chapter Number Assigned		
	Chapter Number 147		
	Effective Date: 10/01/2001 - All Sections		

HB 264 Introduced by Lewis

LC0873 Drafter: Petesch

Montanan's Right to Hunt Wild Game - State Regulation to Enhance Populations -- Constitutional Amendment

1/11	Introduced
1/11	Referred to Fish, Wildlife and Parks
1/16	Hearing
1/30	Tabled in Committee
2/23	Missed Deadline for General Bill Transmittal

HB 265 Introduced by Facey, et al.

LC0790 Drafter: McClure

Tuition Free Classes for Certain High School Students at Vocational Colleges

12/01	Fiscal Note Needed		
1/11	Introduced		
1/11	Referred to Education		
1/11	Fiscal Note Requested		
1/19	Hearing		
1/22	Fiscal Note Received		
1/22	Fiscal Note Printed		
2/08	Committee Executive Action--Bill Passed as Amended	18	0
2/08	Committee Report--Bill Passed as Amended		
2/14	2nd Reading Passed	80	20
2/15	3rd Reading Passed	81	19
	Transmitted to Senate		
2/16	Revised Fiscal Note Requested		
2/20	Revised Fiscal Note Received		
2/21	Fiscal Note Printed		
2/21	Referred to Education and Cultural Resources		
3/07	Hearing		
3/10	Committee Executive Action--Bill Concurred as Amended	14	0
3/10	Committee Report--Bill Concurred as Amended		
3/13	2nd Reading Concurred on Voice Vote	50	0

3/14	3rd Reading Concurred	50	0
	Returned to House with Amendments		
4/11	2nd Reading Senate Amendments Concurred	99	1
4/12	3rd Reading Passed as Amended by Senate	81	18
4/12	Sent to Enrolling		
4/13	Returned from Enrolling		
4/17	Signed by Speaker		
4/19	Signed by President		
4/19	Transmitted to Governor		
4/26	Signed by Governor		
4/26	Chapter Number Assigned		
	Chapter Number 377		
	Effective Date: 7/01/2001 - All Sections		

HB 266 Introduced by Clancy, et al.

LC1471 Drafter: Petesch

Revise Governmental Accountability Act

1/11	Introduced		
1/11	Referred to Judiciary		
1/20	Fiscal Note Requested		
1/23	Hearing		
1/25	Fiscal Note Received		
1/26	Fiscal Note Printed		
1/30	Committee Executive Action--Bill Passed as Amended	17	3
1/30	Committee Report--Bill Passed as Amended		
2/02	2nd Reading Passed	89	11
2/03	3rd Reading Passed	89	10
	Transmitted to Senate		
2/06	Referred to Judiciary		
3/06	Hearing		
3/16	Committee Executive Action--Bill Concurred as Amended	6	3
3/16	Committee Report--Bill Concurred as Amended		
3/19	2nd Reading Concurred on Voice Vote	48	0
3/20	3rd Reading Concurred	46	3
	Returned to House with Amendments		
4/03	2nd Reading Senate Amendments Not Concurred	78	20
4/03	Conference Committee Appointed		
4/05	Conference Committee Appointed		
4/10	Hearing		
4/10	Conference Committee Report Received		
4/10	Conference Committee Report Received		
4/11	2nd Reading Conference Committee Report Rejected	36	14
4/12	Conference Committee Report Received		
4/12	Conference Committee Report Received		
4/17	2nd Reading Conference Committee Report Adopted on Voice Vote	48	0
4/18	2nd Reading Conference Committee Report Adopted	90	8
4/18	3rd Reading Conference Committee Report Adopted	37	13
4/19	3rd Reading Conference Committee Report Adopted	92	8
4/19	Sent to Enrolling		
4/20	Returned from Enrolling		
4/20	Signed by Speaker		
4/20	Signed by President		
4/21	Transmitted to Governor		
5/01	Signed by Governor		
5/01	Chapter Number Assigned		
	Chapter Number 501		
	Effective Date: 7/01/2001 - All Sections		

Bill Draft Number: LC0790**Bill Type - Number:** HB 265**Short Title:** Tuition free classes for certain high school students at vocational colleges**Primary Sponsor:** Tom Facey**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 54

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/26/2001			
(H) Signed by Governor	04/26/2001			
(H) Transmitted to Governor	04/19/2001			
(S) Signed by President	04/19/2001			
(H) Signed by Speaker	04/17/2001			
(H) Returned from Enrolling	04/13/2001			
(C) Sent to Printing	04/12/2001			
(H) Sent to Enrolling	04/12/2001			
(H) 3rd Reading Passed as Amended by Senate	04/12/2001	81	18	
(H) Scheduled for 3rd Reading	04/12/2001			
(H) 2nd Reading Senate Amendments Concurred	04/11/2001	99	1	
(H) Scheduled for 2nd Reading	04/11/2001			
(S) Returned to House with Amendments	03/14/2001			
(S) 3rd Reading Concurred	03/14/2001	50	0	
(S) Scheduled for 3rd Reading	03/14/2001			
(S) 2nd Reading Concurred on Voice Vote	03/13/2001	50	0	
(S) Scheduled for 2nd Reading	03/13/2001			
(C) Sent to Printing	03/10/2001			
(S) Committee Report--Bill Concurred as Amended	03/10/2001			(S) Education and Cultural Resources
(S) Committee Executive Action--Bill Concurred as Amended	03/10/2001	14	0	(S) Education and Cultural Resources
(S) Hearing	03/07/2001			(S) Education and Cultural Resources
(S) Referred to Committee	02/21/2001			(S) Education and Cultural Resources
(S) First Reading	02/21/2001			
(H) Fiscal Note Printed	02/21/2001			
(H) Revised Fiscal Note Received	02/20/2001			

(H) Revised Fiscal Note Requested	02/16/2001		
(H) Transmitted to Senate	02/15/2001		
(H) 3rd Reading Passed	02/15/2001	81	19
(H) 2nd Reading Passed	02/14/2001	80	20
(H) Scheduled for 2nd Reading	02/14/2001		
(C) Sent to Printing	02/08/2001		
(H) Committee Report--Bill Passed as Amended	02/08/2001		(H) Education
(H) Committee Executive Action--Bill Passed as Amended	02/08/2001	18	0 (H) Education
(H) Fiscal Note Printed	01/22/2001		
(H) Fiscal Note Received	01/22/2001		
(H) Hearing	01/19/2001		(H) Education
(C) Introduced Bill Text Available Electronically	01/11/2001		
(H) Fiscal Note Requested	01/11/2001		
(H) Referred to Committee	01/11/2001		(H) Education
(H) First Reading	01/11/2001		
(H) Introduced	01/11/2001		
(C) Draft Delivered to Requester	01/10/2001		
(C) Draft Ready for Delivery	01/10/2001		
(C) Draft in Assembly/Executive Director Review	01/09/2001		
(C) Draft in Final Drafter Review	01/09/2001		
(C) Bill Draft Text Available Electronically	01/09/2001		
(C) Draft in Input/Proofing	01/09/2001		
(C) Draft to Drafter - Edit Review [CAJ]	01/09/2001		
(C) Draft in Edit	01/08/2001		
(C) Draft in Legal Review	01/08/2001		
(C) Draft to Requester for Review	01/08/2001		
(C) Draft On Hold	01/03/2001		
(C) Fiscal Note Needed	12/01/2000		
(C) Draft Request Received	12/01/2000		

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Facey	Tom
Drafter	McClure	Eddye
Primary Sponsor	Facey	Tom

Subjects

Description	Revenue/Approp. Vote Majority Req.	Subject Code
University System (see also: Colleges)	Simple	UNIV
Vocational Education	Simple	VOED
Schools and Education	Simple	SCH

Additional Bill Information

Probable Fiscal Note: Yes

Preintroduction Required: N

Session Law Ch. Number: 377

DEADLINE

Category: General Bills

Transmittal Date: 02/23/2001

Return (with 2nd house amendments) Date: 03/31/2001

Section Effective Dates

Section(s) Effective Date Date Qualified

All Sections 01-JUL-01

HOUSE BILL NO. 265

INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING BOARDS OF TRUSTEES OF SCHOOL DISTRICTS TO ENTER INTO INTERLOCAL AGREEMENTS WITH THE COLLEGES OF TECHNOLOGY TO ALLOW 11TH AND 12TH GRADE STUDENTS TO OBTAIN CREDITS THROUGH ATTENDING CLASSES AVAILABLE ONLY AT COLLEGES OF TECHNOLOGY; PROVIDING ELIGIBILITY CRITERIA; REQUIRING PAYMENT OF TUITION BY DISTRICTS FROM ANB PAYMENTS; AMENDING SECTIONS 20-3-324 AND 20-7-301, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Running start program -- authorizing class credits at college of technology -- eligibility -- payment for credits.** (1) A school district may enter into an interlocal cooperative agreement pursuant to Title 7, chapter 11, with a college of technology to institute a "running start" program to allow 11th and 12th grade students, as defined by the district, to attend classes at the college of technology tuition-free and to obtain credits in classes not available through the school district.

(2) An agreement entered into by the district and the college of technology must state the amount for each credit to be paid by the district from the ANB payments received by the district. The cost for each credit that a district may be charged for eligible students attending classes at a college of technology pursuant to this section is as follows:

- (a) a minimum of \$110 up to a maximum of \$135 for one credit;
- (b) a minimum of \$200 up to a maximum \$225 for two credits; and
- (c) a minimum of \$280 up to a maximum \$315 for three credits.

(3) To participate in the program, a student shall complete a running start application provided to the district by the office of public instruction and shall pass a standardized test administered by the office of public instruction to

determine whether the student has the skills needed to succeed in college. If accepted, a student may earn both high school and college credits, with five college credits equal to one high school credit.

(4) In registering 11th and 12th grade students in the program, a college of technology may not displace adult students attending the college.

(5) If accepted into the program, the student is responsible for transportation, books, and all supplies.

(6) If a student accepted into the program drops out of a class or classes at the college of technology during the drop period established by the college of technology, the college of technology shall reimburse the district the cost associated with the student's credits.

Section 2. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of

Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) subject to 15-10-420, establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative agreement fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property

of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, vocational education, and special education parts of this title;

(18) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(19) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

(20) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

(22) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(23) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

(24) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(25) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student

assessment data for any test required by the board of public education; ~~and~~

(26) enter into an interlocal agreement with a college of technology that authorizes 11th and 12th grade students to obtain credits through classes available only at a college of technology; and

~~——(26)~~ (27) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction."

Section 3. Section 20-7-301, MCA, is amended to read:

"20-7-301. Duties of the superintendent of public instruction. The superintendent of public instruction ~~shall be~~ is the governing agent and executive officer of the state of Montana for K-12 vocational education. The superintendent of public instruction shall adopt and administer policies to effect the orderly development of a system of K-12 vocational education that is adaptable to changing needs, controlled to prevent unnecessary duplication, coordinated with federal guidelines and requirements for vocational education, and funded to ensure growth and quality programming. In order to accomplish the orderly development of a system of K-12 vocational education, the superintendent of public instruction policies shall include:

- (1) a state plan for ~~such~~ the development;
- (2) standards for K-12 vocational education courses and programs;
- (3) a review process for the establishment and deletion of programs;
- (4) instructor qualifications for K-12 vocational education courses and programs;
- (5) criteria for approval of K-12 vocational education courses and programs;
- (6) a basis for apportionment of all ~~moneys~~ money appropriated by the legislature for K-12 vocational education in accordance with the intent of the legislature as reflected in the terms of the appropriation;
- (7) a basis for apportionment of all ~~moneys~~ money received by the state of Montana for K-12 vocational education from the federal government in accordance

with the acts of congress;

(8) a system of evaluation of K-12 vocational education ~~which~~ that allows for consideration of the current and projected manpower needs and job opportunities; ~~and~~

(9) a means of administering agreements between school districts and colleges of technology that authorize 11th and 12th grade students to obtain credits through classes at the colleges of technology; and

~~——(9)(10)~~ any other policy not inconsistent with public law and ~~which~~ that is necessary for the proper operation of a system of K-12 vocational education."

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, part 7, and the provisions of Title 20, chapter 9, part 7, apply to [section 1].

NEW SECTION. Section 5. Effective date -- applicability. [This act] is effective July 1, 2001, and applies to interlocal agreements entered into on or after July 1, 2001.

- END -

FISCAL NOTE

Bill #: HB0265

Title: Tuition free classes for certain high school students at vocational colleges

Primary

Sponsor: Tom Facey

Status: As Amended, House Education Committee

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY2002 Difference</u>	<u>FY2003 Difference</u>
Net Impact on General Fund Balance:	\$0	\$0

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached		X	Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

Office of Public Instruction

1. Section 1 of HB 265 requires that the per-credit cost of tuition at a postsecondary, for 11th and 12th grade students who participate in the "running start" program, will be determined by the interlocal agreement between the high school district or K-12 district and the postsecondary institution in which the student is enrolled.
2. School districts that choose to participate in the running start program, will be paid by the high school district or K-12 district in which the student is enrolled.

Montana University System (MUS)

1. The amended bill language requires districts to enter into interlocal agreements with the postsecondary institutions. Included in these interlocal agreements will be the determination of costs and drop/add procedures for the targeted high school students.
2. Since data is not available on the number of students who may participate, the fiscal impact cannot be calculated. It is assumed these high school students will take a maximum of three credits per semester.
3. These high school students will be included in funding calculations for state support based on credit hours generated since these students will be utilizing university resources as Montana resident students. The state support (marginal cost) calculation is \$1,914 per full time equivalent (FTE). Resident FTE projections for the 2003 biennium have been set by the education subcommittee. The MUS does not receive additional state support if they exceed resident student projections.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By **VICE CHAIRMAN BOB LAWSON**, on January 19, 2001
at 3:00 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Gay Ann Masolo, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Bob Lawson, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Verdell Jackson (R)
Rep. Larry Lehman (R)
Rep. Jeff Mangan (D)
Rep. Joe McKenney (R)
Rep. John Musgrove (D)
Rep. Alan Olson (R)
Rep. Ken Peterson (R)
Rep. Butch Waddill (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: None

Members Absent: Rep. Hal Jacobson (D)

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 249, 1/15/2001; HB 265,
1/15/2001
Executive Action: HB 249

community can comment on the budget. The voting on the authority to spend money has already been done.

REPRESENTATIVE MANGAN said he thinks the legislature is doing a good job in dealing with local situations and giving local control. Local control is important. Local governments need to be trusted to do what the legislature gives them in local control. It must be trusted that local boards will give adequate notice for meetings.

Motion/Vote: REP. MANGAN moved that **HB 249 DO PASS**. Motion carried 17-1 **REPRESENTATIVE WADDILL** voting no. Voice vote.

HEARING ON HB 265

Sponsor: **REPRESENTATIVE TOM FACEY, HD 67, Missoula**

Proponents: Cindy Knutsen, Missoula
Eric Feaver, MEA-MFT, Helena
Tricia Leasure, Parent, Helena
Caitie Silvers, Student, Helena
Kirsten Aasen, Student, Helena
Dustin Stewart, ASMSU/College of Great Falls, Helena
Martha Kohl, Parent, Helena
Gary Elliott, Parent, Stevensville
Arlene Parisot, OCHE, Helena
Joyce A. Scott, OCHE, Helena

Opponents: None

Informational: Stefani Gray Hicsida, FVCC, Kalispell/Libby

Opening Statement by Sponsor:

REPRESENTATIVE TOM FACEY, HB 67, Missoula said he brought this bill to the committee for a family living in Helena. Our schools today are right next to the edge financially. Because of tight money, our public schools are afraid to go out and try something different or innovative. The purpose of **HB 265** is to encourage our school districts to work cooperatively with our vo-tech schools and junior colleges around the state. The underlying philosophies of this bill is that a junior or senior in high school may enroll in courses in vo-tech or college and receive both high school and college credit for the course. The tuition for the course would be paid for by the high school district from their ANB. If you look at line 14, you will see it says, "a school district may enter into an inter-local cooperative agreement . . . with a college of technology." I want to

emphasize that this is not a mandated situation. The decision is up to the local high school. We may need to clean up some of the wording. Please note that a student cannot go to a vo-tech school and take a course offered in his high school. We are trying to take care of needs not met at the local high school but can be met at the vo-tech. There are some amendments to be offered. One is to take out the dollar amounts in Section 1. Since costs change, the numbers should be taken out and some kind of statement put in that says the school district will pay the tuition. Line 26 of page one talks about a standardized test. Realizing that we already have SAT and ACT tests, we will change the test to include tests we already have in our school. On 28 and 29 it says that five college credits are equal to one high school credit. That is something we might want the high school and college of technology to work out for themselves. On page 2, of the bill, notice it says we do not want high students displacing adult students attending the college. We do not want to place a burden on the college, such that they might have to add additional classes or faculty. The bill does not cover any cost other than tuition. The student is responsible for transportation, books and supplies. This program is currently in place at Flathead Community College. We wish to amend the bill to include community colleges.

Proponents' Testimony:

Beth Sirr, Parent, submitted written testimony.
EXHIBIT(edh15a01)

Alicia J. Stickney, Parent, submitted written testimony.
EXHIBIT(edh15a02)

Dustin Stewart, ASMSU/College of Great Falls, said a student participating in the purposed program would gain confidence by knowing what is expected in a college class. The two high schools in Great Falls are already allowing their students to participate in such a program.

Martha Kohl, Parent, Helena, said, while allowing students to earn high school and college credits simultaneously, it will reduce the amount of time they have to spend in college and hopefully reduce college costs. She said that she would like the bill amended to include just the entire university system.

Arlene Parisot, OCHE, said this is a way we can improve access for students. It is an effective use of resources. It is cost effective for parents and students. The exposure to the higher education system for these students at a time when they are

making career decisions, is equally important. She said that tribal colleges should also be on the list to participate.

Stefani Hicskk, Flathead Valley Community College, Kalispell, said, she was present to support the bill. The college she represents is currently running a program similar to what is being discussed. All the high schools in Flathead and Lincoln counties have signed on for the dual credit program. It is successful. Students are earning up to a year's worth of credits. The college has not had behavioral problems with high school students who are attending the college.

Rick Gray, HCT, Helena, said, he supports the bill and its proposed amendments. His school has done what is purposed with the Helena School District. The district bought a course from his college and then if the student wanted college credit, he paid an extra fee. This program helps the student make a smoother transition from high school to college.

Joyce A. Scott, Deputy Commissioner, OCHE, said her organization supports the bill. This approach makes academically good sense for students who are ready to move on in areas of strength or interest. She would recommend that one credit in high school equal three college semester credits. That is a standard already being used in such programs. They recommend a revision in the language about refunds; that it be done according to the published institutional refund policy which is out there for the students and the districts to see. It gives time lines that are followed. She felt that the tribal colleges should be included in the program also.

Eric Feaver, MEA-MFT, said his organization supports the bill as amended. They would not support it without the amendments.

Opponents' Testimony: None

Informational Testimony:

Bill Cooper, OPI, said, he was very familiar with the program in the Flathead Valley and knows it to be a good program. He was the superintendent in Kalispell when that program was initiated. He could not remember the financial arrangements that were made. As the amendments are being worked on, it will be important to stipulate that the student is enrolled in a specific school district and it would be best to stay away from the "tuition" concept, think more in terms of the district and the college sitting down and working out a fee arrangement or some kind of financial arrangement. There may be some unintended consequences

if we start dealing with the word tuition. The bill was originally written talking about the colleges of technology and I think there was the assumption it would be restricted to vocational only classes. The discussion today has moved beyond that concept.

Questions from Committee Members and Responses:

REPRESENTATIVE ANDERSEN questioned **Mr. Cooper**. She referred to page 2, lines 2 and 3 discussing the student's responsibilities for transportation, books, etc., and asked how that lines up with government's duty to provide a free education? **Mr. Cooper** said, he really doesn't know. **REPRESENTATIVE PETERSON** read from the Montana Codes: It says "the legislature shall provide a basic system of free quality public elementary and secondary schools." It doesn't say anything beyond that. **REPRESENTATIVE ANDERSEN** said the students are going to be receiving high school credits in this program. How does that work into what **REPRESENTATIVE PETERSON** just read? **REPRESENTATIVE PETERSON** said there might be an Attorney General's opinion somewhere on the subject. He said, he doubted there were any court rulings on it.

REPRESENTATIVE BRANAE asked a question of the **SPONSOR**. There is a similar program to this in Billings. Many students have participated. In Billings, the cost is totally the student's responsibility. It is justified by the fact the student is getting college credit in a college course. The student is still saving money as he has not left home. It is true that the colleges quite often give scholarships. The college feels that if they get the student in the door, he might come to it after high school graduation. He asked the **SPONSOR** to expand on the cost idea. The **SPONSOR** said, the bill will add some uniformity from place to place. He was surprised so many schools are already using this principle. This would be an option to the local district. High school ANB is \$4,500 per student. High school students take six classes. So, \$4,500 divided by six is \$750. When he looks at the bill, the cost for three credits is about \$300. The high school is getting \$750 per credit and they are paying out \$300, it looks like a win-win situation. The bill might give the parents some leverage where this type of program is not functioning.

REPRESENTATIVE MANGAN had a question for the **SPONSOR**. His first thought was that the University System should be included. That has been discussed. Most of the schools in the University System have the tele-learning which reaches numerous small towns across the state. Since this bill needs amending, **{Tape: 1; Side : B}** could it be expanded to include other communities without accessible colleges? The **SPONSOR** said he does not have any

limits as to where we go with this as long as it is in state. He would expect the committee's support on the floor of the house. **REPRESENTATIVE MANGAN** asked if **Greg Petesch** reviewed the bill? Would it work as I suggested, in small towns? The **SPONSOR** said, **Greg Petesch** had and saw no problems and he saw no reason why it would not work as **REPRESENTATIVE MANGAN** suggested.

REPRESENTATIVE MANGAN had a question for **Dr. Scott**. Are the suggested ideas something your office would endorse or look at? **Dr. Clark** said she believes they are doable and they would support it actively where there are video or electronic forces that have made it financially successful with a sufficient enrollment. The only place there might be some prohibition is if the course is set to serve only a certain number of students and those have been fulfilled from the institution's student body. **REPRESENTATIVE MANGAN** asked, couldn't the reimbursement mechanism be handled in the local agreement, making sure it is included but not necessarily universal? **Dr. Scott** said, she was trying to standardize and make it easy for everyone. The refund policies for the institution are published and it gives students, basically, three weeks to make a decision. She said they are not comfortable with the 100% refund if the student bails out. They want to make it a productive engagement. **REPRESENTATIVE MANGAN** questioned further. He would understand that the school administration would be working side by side with the student as there are high school credits at stake also. It might work without being specified. **Dr. Scott** said, that it could be stipulated, that a refund policy could be developed between the parties to the agreement.

REPRESENTATIVE MANGAN had a question for **Mr. Feaver**. Do you see any constitutional problems with this bill as described, not necessarily as written? **Mr. Feaver** said, no I do not.

The **CHAIR** quested **Mr. Feaver**. She sees a problem in the fact that there are to many rural areas that would not be able to take advantage of such a program. If the state participates in the funding, some way, she believes it would have an effect on the equalization mandate. **Mr. Feaver** said, that is not what the court ruled. The court ruled on the expenditure per pupil. We don't have equity of programs in the state now.

REPRESENTATIVE WOLERY questioned **Mr. Cooper**. School districts are already strapped. He has a problem making the high school pay the tuition. If a student lives near a college and decides to take the afternoons off and go to college, is his school going to lose to ANB funding? **Mr. Cooper** responded. The situation that was described will not cost the district any ANB funds. Currently the school district can allow a student to go off

campus to take courses at their own expense and the district does not lose funds.

REPRESENTATIVE OLSON had a question for **REPRESENTATIVE FACEY**. The program has grown through our discussion. What would happen if the student chose a private college? **REPRESENTATIVE FACEY** said, he did not have the answer. After some research, he said, under Article 10 of the constitution, it would be unconstitutional. He acknowledges it is being done now.

REPRESENTATIVE OLSON questioned **Dr. Scott**. If a student takes credits from a college of technology, knowing the district is paying for it, will the credits all transfer to any member of the university system in the state? **Dr. Scott** said, the credits a student would take would be posted on a regular transcript. It would be possible that a student might take a course from a college of technology applied certificate program that would not transfer into the Bachelor of Arts. The only limitation on these credits earned through this method would be that kind of situation where the student is enrolled in a program that is purely vocational and the credits do not apply to the Liberal Arts Bachelor's degree. There are those limitations that do exist. The student should be advised about the situation potential at the time he signs up for the class. **REPRESENTATIVE OLSON** asked, if a student takes a course in biology in the nursing program at the Billings Technology College would that credit transfer to the nursing program at Havre? **Dr. Scott** said, she had learned today that there are courses that do not transfer, but they are looking into upgrading the situation. With the same limitations mentioned before, the answer is yes.

REPRESENTATIVE JACKSON had a question for **Mr. Cooper**. What if a student graduated in 3 ½ years, would that affect the ANB for the district? **Mr. Cooper** said, currently schools have an early graduation provision. In schools with this program it does not adversely affect their ANB.

REPRESENTATIVE JACKSON questioned the **SPONSOR**. In the past he has observed things happening that one should be concerned about, like eroding the base. In this case, it looks like that would not happen. If a student took a night class at the college and paid his own way, would he also get a high school credit? **REPRESENTATIVE FACEY** said, if the college and the high school had not entered into an agreement, the student would not. This bill would not permit it. It could be happening now under other agreements between schools and colleges. **REPRESENTATIVE JACKSON** said he didn't see why it couldn't happen under the bill being presented. **REPRESENTATIVE FACEY** said if a student wants to take a course and pay his own fees, this bill doesn't prevent it.

REPRESENTATIVE FRITZ said that in Missoula the high school had a policy where they let students travel to a foreign country in the summer and then gave them a semester credit in that foreign language.

REPRESENTATIVE WADDILL had a question for **REPRESENTATIVE FACEY**. Doesn't the wording on page 2, line 10, the word, "shall," as it applies to subparagraph 26, line 14, page 4, doesn't that require that the program be adopted? **REPRESENTATIVE FACEY** said the necessary amendment would be written to make it an option, only.

REPRESENTATIVE BIXBY had a question for **Dr. Scott**. The university system requires a certain number of credits for graduation. Would the credits earned in this bill count against graduation requirements? **Dr. Scott** said, yes. There still can be a question about the type of credit and the fit in the program.

REPRESENTATIVE LEHMAN had a question for **Mr. Cooper**. As he sees it, there are basically already programs in place in the school systems around the state. The difference in them and this bill is that the public school system is not putting any public funding into the present programs. Is that your understanding? **Mr. Cooper** said, he doesn't know of any local agreement where the high school is paying the cost for college credits.

REPRESENTATIVE LEHMAN said, what he was thinking about was if a school had 50 students and they all decided to take a class at the cost of a \$400 tuition, wouldn't the \$20,000 cost out of the general fund budget have an effect on costs, maintenance and salaries. **Mr. Cooper** said that is why the bill must be written with the word may, and the bill must cover an optional program. He believes that the district and the college should work out their own program. He does not like the word tuition placed in the bill.

REPRESENTATIVE LAWSON had a question for **Mr. Cooper**. You mentioned ANB and ANB collection. Is there any phenomenon in this bill that would allow double dipping? Might the school be reimbursed in ANB and also be reimbursed by the college of higher learning? **Mr. Cooper** said, if the final edition of this bill should come out of this committee, with a do pass recommendation, a piece of it would be to make sure there was no possibility of double dipping. **REPRESENTATIVE LAWSON** then asked, would a second high school, without this program, have to accept the credits earned from a previous high school with this program? **Mr. Cooper** said, a school district currently has the authority to accept or reject credits, unless both schools belong to the Northwest Accrediting and then they have to accept credits from schools accredited by Northwest. The transcript should explain how the

credits were earned, if the student transferred to another school. **REPRESENTATIVE LAWSON** asked how it would work if credits were granted for a class being taught by a non-certified teacher. **Mr. Cooper** said there are five or six or more bills floating around the legislature having to do with ANB. The answer given is always the same. If ANB is to be connected to a program, it must be taught by a certified teacher K-12. A student can be in school long enough to get the ANB and have all his classes taught by a certified teacher and the college class could be looked upon as an additional class. Bills should be looked upon carefully so that we eliminate as many unintended consequences as possible.

REPRESENTATIVE MASOLO asked **Mr. Cooper**, are we creating a certain defacto post scholarship program paid for by the local district?

Mr. Cooper said, it would be his personal opinion that the answer is no. The bill allows a local school district to enter into an agreement that will expand the opportunities of the students.

Closing by the Sponsor:

REPRESENTATIVE FACEY said, he would like to point out that there are some high schools in our state that are doing this program now. There are many other states that have this program. In Montana we are very tight in terms of our money and hesitant to look at different options. The bill was brought forward to ask local districts to think of different options on how they can provide opportunities for their students. The intent of the bill is to make it an option for the local districts.

ADJOURNMENT

Adjournment: 4:00 P.M.

REP. GAY ANN MASOLO, Chairman

NINA ROATCH, Secretary

GM/NR

EXHIBIT (edh15aad)

EXHIBIT # 1
DATE 1-19-2001
HB HB 265

HOUSE OF REPRESENTATIVE
57TH LEGISLATURE

Education COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Bern Sire BILL NO. HB 265

ADDRESS 512 Harrison DATE 1/19/01

WHOM DO YOU REPRESENT? Parent of a child

SUPPORT ☒ OPPOSE ☐ AMEND ☒

COMMENTS I support the spirit of HB 265. I believe it can offer kids
a head start on life after high school - an extra stepping stone across the stream, so to speak.
Montana is a large state with a small population relative to its size & our resources for
education get spread pretty thin. I can only imagine what declining school budgets might be
doing to small schools across the state. I believe one of Montana's strengths is its network
of colleges of technology, community colleges & university systems. These institutions
are NATURAL RESOURCES for our kids, our teachers & our ^{K-12} school system.
I would like to see this bill amended in 3 ways, to maintain ^{local control} ~~self governance~~ & the
1st - the language "college of technology" should read "post secondary institution".
There are many districts in the state which have no college of technology, but could access
university or community college system resources. The Bozeman area is one example.
School Superintendents & local school boards should be free to negotiate with any institution
which ^{BEST} ~~can~~ meet their district's needs. All our districts should have fair access to the
resources available to them. IN addition, the language regarding tuition charges
should be eliminated. Again, I believe, this should be S:\Witness statement from
something negotiated at a local level for the best price possible by the Superintendent
& School board. Finally, I would ~~also~~ amend Sect 1(3) to allow student
participation to be determined at the local level. Individual high schools &
post secondary institutions can negotiate enrollment requirements, as most
generally have guidelines in place anyway. Currently more than 19 other states have
"running start" type programs including: CO, TX, Minn, Missouri, Kansas, Tennessee, OK, WA, GA, FL,
* running start * sure programs including: CO, TX, Minn, Missouri, Kansas, Tennessee, OK, WA, GA, FL, →

Friday January 19, 2001

To: Montana House and Senate Education Committees

From: Alicia Stickney
528 West Lawrence
Helena MT 59601

I would like to offer my support for House Bill 265
(Running Start program) but please expand the bill
to include all post-secondary educational institutions.

Thank you for considering my comment.

Sincerely,

Alicia J. Stickney
(parent)

#2
1-17-2001
HB 265

HB 265

House of Representatives

Roll Call Vote

EDUCATION COMMITTEE

DATE 1-19-2001 Bill NO. HB 249 NUMBER _____

MOTION: _____

Name	AYE	NO
Bob Lawson	/	
Kathleen Galvin-Halcro	/	
Joan Andersen	/	
Norma Bixby	/	
Gary Branae	/	
Verdell Jackson	/	
Hal Jacobson	/	
Larry Lehman	/	
Jeff Mangan	/	
Joe McKenney	/	
John Musgrove	/	
Alan Olson	/	
Ken Peterson	/	
Nancy Rice Fritz	/	
Butch Waddill		/
Allan Walters	/	
Merlin Wolery	/	
Gay Ann Masolo	/	

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

EDUCATION COMMITTEE

DATE 1-19-2001

BILL NO. 265

SPONSOR(S) Tom Facey

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE
CIRCLE

NAME	ADDRESS	REPRESENTING
POI Cindy Knutson	Missoula	
POI Eric Feaver	Helena	MEA-MFT
POI Ben Sun	Helena	parent
POI Stefani GRAY Hicson	Kalispell/Kibby	TVCC
POI Tricia Heasler	Helena	parent
POI Caitie Silvers	Helena	Student
POI Kirsten Aasen	Helena	Student
POI Dustin Stewart	Helena	ASMSU/CT Great Falls
POI Martha Kohl	Helena	parent
POI Gary T Elliott	Stemwille	parent
POI Aulene Parisot	Helena	GLHE
POI Joyce A Scott	Helena	OCHHE
POI Rick Gray	Helena	H/CT
POI		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

S:\visitor register.frm

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By **VICE CHAIRMAN BOB LAWSON**, on February 7, 2001
at 3:00 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Gay Ann Masolo, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Bob Lawson, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Verdell Jackson (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Jeff Mangan (D)
Rep. Joe McKenney (R)
Rep. John Musgrove (D)
Rep. Alan Olson (R)
Rep. Ken Peterson (R)
Rep. Butch Waddill (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 427, 1/29/2001
Executive Action: HB 353; HB 265; HB 358;
HB 297

classroom, they need to have this at school, let's do it for them.

REPRESENTATIVE OLSON stated that yesterday he was going to vote against the bill. Listening to the discussion today, this is for the kids. This isn't for building bureaucracy. He has doubts that it will take \$180,000 to set the program up. He sees money being re-appropriated after this biennium that will go back into the funds. Small rural districts are needing some help. Roundup has a breakfast program. It was profitable until everyone lost interest in it. Roundup's lunch program has run in the black for the past three years. If this will help, let's do it. It still has to get through TANF. He believes the bill fits into temporary assistance.

REPRESENTATIVE LEHMAN said he wanted to reiterate the point that he is not opposed to breakfast programs. He believes that any school that wants a breakfast program should have one. He is opposed to the use of these funds to start up a program. There isn't a school district in the state of Montana in the month of September, when school starts, that can't carry a breakfast program expense for one month. Then the reimbursement is going to begin. He is saying that these funds are not necessary for any school to start a breakfast program, unless they don't have a hot lunch program. They already have in place the equipment. That is his point.

REPRESENTATIVE FRITZ said that the dieticians who originally gave her the information on the bill told her that many of the schools want the breakfast program as a way of getting into the lunch program, it is not an add-on for most of the schools.

Motion/Vote: REP. FRITZ moved that HB 353 DO PASS AS AMENDED.
Motion carried 12-6 with Andersen, Lehman, Masolo, Peterson, Walters, and Wolery voting no.

EXECUTIVE ACTION ON HB 265

Motion: REP. JACOBSON moved that HB 265 DO PASS.

Discussion:

Connie Erickson said that she had amendments. This is the second set, please disregard the first set that was passed out to the committee.

Motion: REP. JACOBSON moved that HB 265 BE AMENDED.

Discussion:

Connie Erickson said to look at the amendments dated February 5, 2001. **EXHIBIT(edh31a03)** What the amendments do is they allow not only colleges of technology to participate in this program but also community colleges and tribal community colleges would be able to participate in this running start program. That is the first major change. The other major change can be seen if committee members look on page 1, line 17 There was some concern about the cost and originally they said it would be tuition free. There was all sorts of discussion about whether that was appropriate in terms of cost. What the amendments do is strike "tuition free" and say that the cost of a student to attend a class at a post secondary institution will be determined by the inter-local agreement. The inter-local agreement will work out the financial arrangement so that the district and the college will figure out the finances as to how this is going to work. The next change is in subsection 3, page 1, lines 25 - 28. The amendment takes OPI out of the loop. OPI will no longer be a part of the operation of the program. It will strictly be an arrangement between the district and the college. The district will determine whether the student is eligible to participate in the program without any standardized test involved. The next change occurs on line 28. There was some discussion about the number of college credits that would equal high school credit, whether they were based on a semester or a quarter.

{Tape 2 : Side A}

What the amendment does is say that is part of the inter-local agreement. The district and the college will make the determination. On page 2, line 4 - 6, talks about what the student, who is accepted into a program and drops out will do and how the refund will be handled. The refund will be based on the college's standard policy for a refund. Every college has a standard policy. The next change is on page 4, line 14, some language is added that makes this a discretionary program on the part of the district. It is not mandatory. The amendment strikes all of section 3 of the bill because OPI has been taken out of the bill. There is no need for section 3. The last change is on page 5. Since the tribally controlled community colleges are included, on page 5, the amendment inserts a notification process. They will be notified about the bill.

REPRESENTATIVE MANGAN moved that the amendments be segregated and he would remove number seventeen. He said it had been discussed in the hearing. It was one of the questions that he asked a couple of different people. Since the credits for the class is going to be determined by the inter-local agreement, he believes the refund policy should be determined by the same inter-local agreement. He asked that question of **Dr. Scott** and she would not have a problem with putting that language in the inter-local agreement.

Discussion:

REPRESENTATIVE LAWSON said that he knew that **REPRESENTATIVE FACEY** worked very hard on the amendments and on this bill. He is very interested in salvaging what he has on the bill. With inter-local agreements, we are putting it back on the local people. If the committee believes in local authority, responsibility and control, how can they possibly argue against the bill?

REPRESENTATIVE OLSON said he agrees with **REPRESENTATIVE MANGAN**.

REPRESENTATIVE PETERSON asked someone to define a community college. He does not believe there is one in Billings.

REPRESENTATIVE LAWSON said there are three in Montana; one in Kalispell, Miles City, and Glendive. They have some local funding and they are covered by different statutes. They are different when they are formed. **REPRESENTATIVE PETERSON** asked if the students in the high schools in Billings would have access to this program? **Connie Erickson** said this bill also includes the colleges of technology and there is one in Billings. It is primarily an arrangement with the two year institutions in this state. **REPRESENTATIVE PETERSON** asked why it was limited in this way? **REPRESENTATIVE MANGAN** said that is how the bill came to the committee, but he is going to present an amendment later that might change that.

Motion/Vote: **REP. MANGAN** moved the **FACEY AMENDMENTS 1 - 21, EXCLUDING AMENDMENT 17 DO PASS. Motion carried unanimously.**

REPRESENTATIVE MANGAN offered a substitute amendment for **REPRESENTATIVE FACEY'S** number 17 amendment. After adding the colleges of technology and the tribally controlled community colleges, it should say "shall reimburse the district as determined by the inter-local agreement." This would follow the

word district on line 6. **Connie Erickson** will write the amendment so that it has the necessary meaning. **REPRESENTATIVE LAWSON** asked **Connie Erickson** to read the wording as it will be in the bill once amended. She read, "The college of technology, the community college or the tribal college shall reimburse the district for costs associated with the student's credit in accordance with the inter-local agreement."

Motion/Vote: REP. MANGAN moved that HB 265, MANGAN AMENDMENT DO PASS. Motion carried unanimously.

REPRESENTATIVE MANGAN brought forth a second amendment. There are a number of communities that do not have access to the types of schools named in the bill. Many smaller communities do access the university system on the met-net system. He offered a conceptual amendment that they add, where appropriate, the Montana University System. **Connie Erickson** suggested that the bill define post secondary institution. Then she will use the term post secondary institution wherever they find the schools listed. **REPRESENTATIVE LAWSON** asked **REPRESENTATIVE MANGAN** if his amendment was to define post secondary institution that will include colleges of technology, community colleges, tribal colleges and the Montana University System. Wherever appropriate in the bill, it will be placed to name the schools involved with the districts. **REPRESENTATIVE MANGAN** said the intent was to open the opportunities of the bill to more communities.

Discussion:

REPRESENTATIVE OLSON said that he appreciates the amendment.

REPRESENTATIVE LAWSON asked the **SPONSOR** of the amendment what **REPRESENTATIVE FACEY's** feelings would be on the amendment. Would he consider this a friendly step forward? **REPRESENTATIVE MANGAN** said the bill **SPONSOR** was aware of **REPRESENTATIVE MANGAN's** intention to expand the wording to include the university system because of the access to smaller rural communities with met-net. The **SPONSOR** is aware of this amendment, though the **SPONSOR** did not say whether he found it acceptable.

REPRESENTATIVE PETERSON said he sees his name as one of the sponsors and he considers the amendment a friendly one.

REPRESENTATIVE LEHMAN asked, if this bill is passed, would it allow local school districts to enter into these agreements with the schools mentioned and then money from the general fund, received for ANB payments would be utilized to pay for tuition of these students? **Connie Erickson** said not necessarily.

Originally it was going to be from ANB payments. That language was struck. She thinks that the possibility would exist that it could be done and would depend on how it was figured out in the inter-local agreement. It is also possible that the student would be required to pay. Maybe the college would discount. The possibility exists that it could be out of ANB, depending on the inter-local agreement. **REPRESENTATIVE LEHMAN** said that his concern would be that the committee listens day after day to a superintendent of schools or to messages from teachers about cut backs in funding, etc., and he would not be opposed to the bill if he was certain that ANB payments were not going to be used as tuition payments. If you filter that down even further what you are doing is taking part of the property tax of which some poor little old lady in Power, Montana, struggled to pay, to pay for some young student's college tuition. He doesn't believe that is right. **REPRESENTATIVE PETERSON** said he understands the wording in the same way that **Connie Erickson** reads it. **REPRESENTATIVE PETERSON** said he believes it would be determined by the inter-local agreement. You would probably have the attorneys from both side sit down and hammer out an agreement. If some school districts thought they could use some of their ANB money, then it would be part of the agreement. It would be determined by the language of the agreement.

Motion/Vote: **REP. MANGAN** moved the **SECOND MANGAN AMENDMENT TO HB 265 DO PASS**. Motion carried unanimously.

Motion: **REP. OLSON** moved that **HB 265 DO PASS AS AMENDED**.

Discussion:

REPRESENTATIVE OLSON said it is going to be a local control issue. It is up to the board of trustees if they want to enter into an agreement. If the board enters into an agreement and it wants out, they can get out.

REPRESENTATIVE ANDERSEN said that it is her experience that some school districts are already doing something similar to this bill. Some school districts pay a portion of the student's costs and some don't.

REPRESENTATIVE MANGAN said that he is very pleased with this bill. It is a fantastic bill. Local school districts will have the ability to sit down and work with colleges based on what their concerns are, what their budgets are, what they see as positive for their schools, etc. It certainly is an economic development piece. It can assist in getting youth that may not be thinking about college involved in college programs. It opens up the world of the university system to some of the smaller

communities. It makes the universities think about the needs of rural students. It can attract and keep some of those students in Montana schools. The local control aspect will allow the school system and colleges to develop a plan to keep costs down or set limits. Maybe a school district will try this as an at-risk program. Another school district may decide to use this as a gifted program. One amendment took out the amount, so the bill gives more discretion for the two systems to work together and negotiate a decent cost that could be beneficial to both. We can get the attention of kids early, such as on the reservations, and get them interested in education. He believes costs can be held down by challenging schools in the university system to develop programs that are cost effective, while still allowing the quality. What a wonderful opportunity for our youth. It is not going to cost much at all.

REPRESENTATIVE PETERSON said he wished to speak in favor of the bill. He wished to point out that this gives an opportunity for the gifted, the kids on the top rungs, or over achievers, to stretch their wings and get out and sample some other educational opportunities in the world. He believes the bill is a good one.

REPRESENTATIVE BRANAE said that Billings does something like what this bill will allow. The student gets high school and college credit at MSU-Billings. This is an advantage for the school also.

The college looks at it as a recruitment feature. Once they get the kids up there, the kids think this might be a good place to go to school.

Motion/Vote: REP. OLSON moved that HB 265 DO PASS AS AMENDED.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 358

Motion: REP. OLSON moved that HB 358 DO PASS.

Discussion:

Motion: REP. MANGAN moved that AMENDMENT HB035801.ACE DO PASS.

Discussion:

Connie Erickson said the amendment was suggested by the **SPONSOR**. The amendment occurs on page 2, line 16. The way the bill is drafted, if a school district decides to open or reopen a school, they can do so in the middle of the year. Currently you cannot open a school in the middle of the school year. You have to wait

Amendments to House Bill No. 265
1st Reading Copy

Requested by Representative Tom Facey

For the House Education Committee

Prepared by Connie Erickson
February 5, 2001 (9:47AM)

1. Title, line 5.

Following: "TECHNOLOGY"

Insert: ", COMMUNITY COLLEGES, OR TRIBAL COLLEGES"

2. Title, line 7.

Following: "TECHNOLOGY"

Insert: ", COMMUNITY COLLEGES, OR TRIBAL COLLEGES"

Strike: "TUITION"

Insert: "FEES"

3. Title, line 8.

Strike: "FROM ANB PAYMENTS"

4. Title, line 8.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 20-7-301"

5. Page 1, lines 13 and 14.

Strike: "of" on line 13 through "technology" on line 14

6. Page 1, line 14.

Following: "credits."

Insert: "(1) As used in this section, "college" means a college
of technology, a community college, or a tribal college."

Strike: "cooperative"

ReNUMBER: subsequent subsections

7. Page 1, lines 15, 18, 20, and 30.

Strike: "of technology"

HOUSE EDUCATION HB 265

Date: 2-07-2001

Exhibit #: 3

8. Page 1, line 17.

Strike: "of technology tuition-free"

Insert: "at a cost determined by the interlocal agreement"

9. Page 1, line 19.

Following: "paid"

Insert: "to the college"

10. Page 1, line 19 through line 24.

Strike: "from" on line 19 through "credits" on line 24.

11. Page 1, line 25.

Strike: "to"

Insert: "by"

12. Page 1, lines 26 and 27.

Strike: the first "by" on line 26 through the first "to" on line 27

Insert: ". The district shall"

13. Page 1, line 27.

Following: "in"

Insert: "the proposed"

Following: "college"

Insert: "coursework"

14. Page 1, lines 28 and 29.

Following: "credits" on line 28

Strike: ", " on line 28 through "credit" on line 29

Insert: "as determined by the interlocal agreement"

15. Page 2, lines 4 and 5.

Following: "college" on line 4

Strike: "of" on line 4 through the first "technology" on line 5

16. Page 2, line 5.

Strike: "of technology" in both places

17. Page 2, line 6.

Following: "credits"

into loose agreement.
Insert: "according ~~to~~ the college's standard refund policies"

18. Page 4, line 14.

Following: "(26)"

Insert: "consider and may"

19. Page 4, line 14.

Following: "technology"

Insert: ", a community college, or a tribal college"

20. Page 4, line 15.

Following: "technology"

Insert: ", a community college, or a tribal college"

21. Page 4, line 20 through page 5, line 15.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

- END -

HOUSE OF REPRESENTATIVE
ROLL CALL

EDUCATION COMMITTEE

DATE 3-07-2001

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Bob Lawson	✓		
Kathleen Galvin-Halcro	✓		
Joan Andersen	✓		
Norma Bixby	✓		At.
Gary Branae	✓		
Verdell Jackson	✓		
Hal Jacobson	✓		
Larry Lehman	✓		
Jeff Mangan	✓		
Joe McKenney	✓		At.
John Musgrove	✓		
Alan Olson	✓		
Ken Peterson	✓		
Nancy Rice Fritz	✓		
Butch Waddill	✓		
Allan Walters	✓		
Merlin Wolery	✓		
Gay Ann Masolo	✓		At.

COMMITTEE PROXY

DATE February 7, 2001

I request to be excused from
the Education

Committee meeting this date because of other commitments. I desire to leave my proxy vote
with Kathleen Galvin-Nalco

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and
number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

Amend to HB 297	X	
HB 297	X	
Amend HB 353	X	
HB 353	X	
Amend HB 265	X	
segregate	X	
Mangan Amend 265	X	
Mangan Amend 265	X	
HB 265 as amend	X	
HB 358 amend	X	
HB 358 as amend	X	

Rep. Norma Billy
(Signature)

S:\committee proxy.frm

COMMITTEE PROXY

DATE 02-07-01

I request to be excused from
the EDUCATION

Committee meeting this date because of other commitments. I desire to leave my proxy vote
with Rep Lawson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and
number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

1

H 358	yes	
Amendment	yes	
HB 297		
Amendment		
X HB 297		NO
Amendment	yes	
X HB 353		NO
Amendment	yes	
X HB 261	yes	
Amendment	yes	
Amendment	yes	
Amendment	yes	

Rep. Martin Wolery
(Signature)

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

Call to Order: By **CHAIRMAN BILL GLASER**, on March 7, 2001 at 3:19 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Sam Kitzenberg (R)
Sen. Don Ryan (D)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)
Sen. Alvin Ellis Jr. (R)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 265, 3/2/2001; HB 134,
3/2/2001; HB 267, 3/2/2001; HB
349, 3/2/2001
Executive Action: HB 349; HB 134; HB 267; HB 249

HEARING ON HB 265

Sponsor: REP. TOM FACEY, HD 67, Missoula

Proponents: **Bill Cooper, Office of Public Instruction**
 Joyce Scott, Office of the Commissioner of Higher
 Education
 Dustin Stewart, ASMSU
 Bob Vogel, Montana School Boards Association
 Beth Sirr, Self, Helena

Opponents: None

Opening Statement by Sponsor:

REP. TOM FACEY, opened on HB 265. He testified that HB 265 would authorize school boards to enter into inter-local agreements with post-secondary institutions, which would allow 11th and 12th grade students to obtain credits through attending classes at those institutions. The bill would also provide eligibility criteria and require payment of fees by the school districts.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 4}

Proponents' Testimony:

Bill Cooper, Office of Public Instruction, avowed support for HB 265. **Mr. Cooper** viewed the bill as an opportunity that would emphasize the seamless web they are trying to create in kindergarten through grade 16. It would assist schools, parents and students in maximizing their resources. The bill would have flexibility and local control at the board of trustee level.

Joyce Scott, Office of the Commissioner of Higher Education, rose in support of HB 265 stating the initiative would encourage high school students to take advantage of available offerings in post-secondary education.

Dustin Stewart, representing 15,000 Montana University System students, narrated a personal story pertaining to his high school experiences in the advance placement program.

Bob Vogel, Montana School Boards Association, proclaimed strong support for HB 265, apprizing the committee that the amendments would strengthen the bill. **Mr. Vogel** maintained the bill would provide opportunities for communities and young people.

Beth Sirr, representing herself, elaborated on her support for HB 265. **Ms. Sirr** submitted written testimony, **EXHIBIT(eds52a01)**.

{Tape : 1; Side : A; Approx. Time Counter : 4 - 11}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. JOHN COBB wondered if the student would pay part of the tuition. **REP. FACEY** inferred it would depend on the agreement between the high school and the post-secondary institution.

SEN. COBB offered suggestions to the bill that would clarify the language regarding tuition. **Eddye McClure** explained that if the student were to drop out, halfway through the course, the post-secondary institution would reimburse the tuition costs to the district.

SEN. DON RYAN commented that because of budget cuts, advanced placement programs could be in danger.

SEN. ED BUTCHER indicated the student could pay for the advanced placement program. **Eddye McClure** recounted that the district would pay the tuition as per the agreement, between the local district and the post-secondary institution. The student would pay for transportation, books, room and board.

SEN. BUTCHER questioned the cost of tuition. **Ms. McClure** restated that the cost of tuition would be covered by the district.

SEN. BUTCHER asked **REP. FACEY** if he would object to the student being responsible for the tuition. **REP. FACEY** stated the intention of lines 24 and 25, which would provide options that would be dependent upon the agreement between the district and the post-secondary institution. Such a cafeteria plan would allow flexibility between the two entities.

SEN. BUTCHER wondered if the words, "by the district or the students", should be added to lines 24 and 25. **REP. FACEY** agreed to the addition if it would maintain flexibility.

{Tape : 1; Side : A; Approx. Time Counter : 11 - 19}

Closing by Sponsor:

REP. FACEY closed on HB 265.



MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

SENATE EDUCATION

EXHIBIT NO. 1

DATE 3/7/01

BILL NO. HB 265

NAME Bern Sier

ADDRESS 512 Harrison Helena

HOME PHONE: 457 9157 WORK PHONE: 449 5796

REPRESENTING parent representing children

APPEARING ON WHICH PROPOSAL ? HB 265 "Running Start"

DO YOU: SUPPORT X OPPOSE AMEND

COMMENTS:

I believe this bill will open up opportunities for kids whose families can't afford to purchase such opportunity now. I believe this bill will enable poor school districts to offer a richer curriculum opportunity - because kids aren't judged by what their school offered, but what they actually did while in school.

I have been reading James Herriot's stories lately & noticed that he started veterinary school at age 17.

Thank for your consideration

Sen. Glasco & Sen. Watuman, Bern Sier

Re Sen. Butcher brought up a point re "no free lunch" - Since the high school district would be receiving \$4000 per pupil, if that pupil were taking some courses off campus at no expense to the school district

PLEASE LEAVE PREPARED STATEMENT WITH

COMMITTEE SECRETARY

it would be fair to that student to cover the cost of that class - especially as otherwise the districts incentive is to hold on to all the money even though it may not be able to offer a student academically



College tuitions a financial struggle

By JENNIFER CHAPIN HARRIS
Medill News Service

WASHINGTON — Calvin Thomas, a Harris-Stowe State College student, is behind in his college studies because he left school for three years to earn the \$4,000 he owed in student loans.

Thomas' difficulties are common among students whose families earn less than \$25,000 annually, according to a report issued Wednesday by a congressional advisory committee on college financial aid.

For low-income families nationwide, college costs average 62 percent of the family income today, up from 42 percent in the 1970s, according to the College Board. Yet the cost of a college

education as a portion of family income has remained steady for middle- and higher-income families.

The average Montana family spends 28 percent of its income on college tuition, according to the Montana Office of the Commissioner of Higher Education.

Due to decreases in state funding, the average Montana student's loan debt increased to \$17,000 in 2000 from \$13,000 in 1994, according to the commissioner's office. Many Montana students find that getting loans is not difficult. "Paying for it afterwards is the problem," said Keith Carparelli, marketing director at the Student Assistance Foundation of Montana, which lends money to college students.

In 1992, Montana's 5.1 percent stu-

dent loan default rate was among the lowest in the nation. By 1998, that rate increased to 9.4 percent, one of the highest in the nation. The Foundation began a student-default-prevention program this year to combat the problem, Carparelli said.

While low-income students are as academically prepared for college as wealthier students, decreasing need-based financial aid means they have more difficulty going to college, she said.

"For many young people, the \$3,000 price tag might as well be \$3 million. It discourages many from attending college at all," said Charles Terrell, associate dean at Boston University Medical Center and the committee vice chairman. "It makes the dream of attending college almost impossible for even the most gifted low-income students."

Nationwide, 6.1 percent of poor students finish their bachelor's degrees, as compared to 18.7 percent of middle-class students and 41.1 percent of the wealthiest students, according to the U.S. Department of Education.

To fund their education, many low-income students take classes part time

order to work part time. This raises the number of years the student spends in college and the total cost of schooling.

Part of the problem is that federal grants for students have not increased at the same rate as tuition in the past 25 years, said Brian Fitzgerald, the committee's staff.

While the federal government offers need-based money, families spend more on college than low-income families can earn enough to make use of.

While state grants are available, they are not as generous as federal grants. In Montana, Wolaniuk is an associate at the Institute for Education Policy, a foundation in Washington think tank. Merit grants usually help middle-income students rather than low-income students.

In Montana, 3.4 percent of full-time undergraduate students receive need-based aid, versus 23 percent in Washington state and 12 percent in North Dakota, according to the state Office of the Commissioner for Higher Education.

what that student needs.

I would also like to say that this bill is designed to offer an opportunity to Montana families - most of whom cannot easily afford the costs of post secondary education for their child. (Working fulltime at minimum wage generates an income of \$10,500/year.) The families (few in this state), who can afford to send their children to college will do so with or without this bill.

I would like the committee to think hard about fairness to a child - the addition to line 24/25 of "paid by the district or student" might close the door to opportunity for needy kids. The State of Washington pays the cost of running Start courses - not the students, to do otherwise create a two tier opportunity for high school kids.

When Tom Facey did the research on costs, the cost of educating the child in the post secondary institution was LESS than having the child in the high school. The high school KEPT the SAVINGS. In addition, I would visualize home school students entering the public school system through such a program. K-12 districts would then receive the A+B money for these children, offer them a service for which as taxpayers they have a right AND perhaps benefit homeschoolers & their families in other ways. Again, for this to be an opportunity for all districts must negotiate for a good deal for their district AND then cover the cost for the child.

Please, call me if you have time - I am very concerned about this change - which would be UNIQUE to Montana (all 19 other states cover the cost of their programs) & Tom's data showed it would not cost districts in the big picture - BUT REALLY IT'S the KIDS that are the priority.

Thank you - Beth Sirk 457 9157#
449.5796w.

DATE 3-7-01

[illegible]

DATE

3-7-01

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: HB 134, HB 265

HB 267, HB 349

* → PLEASE PRINT ← *

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bill Cooper		OPF	267 265 134	✓	
Ray Ford		UM	349	✓	
Steve Running		Univ Montana	349	✓	
Don Kiehl		UM	349	✓	
Kay Unger		MEA/MET - UM	349	x	
Vernon Grund		UM	349	x	
Joyce Scott		OCHF	265	X	
Bernie Smith	457 9157	Children	265	x	
Justin Stewart		ASMSU	265	X	
Bruce Messinger	447 8510	Helena Schools	265/134	✓	
Julia Parnot	444 0316	DOHTE	265 134	✓	
Bob Voss	442 0045	MSBA	HB 265 HB 134	✓	
Nancy Schlegel		MT. Farm Bureau	HB 134	✓	

Clint Eastwood

SEIF

HB 267 ✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

Call to Order: By **CHAIRMAN BILL GLASER**, on March 9, 2001 at 3:45 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)
Sen. Don Ryan (D)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 42, 3/6/2001; HB 140,
3/6/2001; HB 160, 3/6/2001; HB
321, 3/6/2001
Executive Action: HB 321; HB 160; HB 265

HEARING ON HB 42

Sponsor: REP. GAY ANN MASOLO, HD 40, Townsend

Motion/Vote: SEN. ELLIS moved that HB 160 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 42

Motion: SEN. ELLIOTT moved that HB 42 BE CONCURRED IN.

Discussion:

SEN. BUTCHER felt the statute would result in a federally structured bureaucratic system that would not result in better teachers.

SEN. ELLIOTT WITHDREW HIS motion that HB 42 BE CONCURRED IN.

EXECUTIVE ACTION ON HB 265

Motion: SEN. BUTCHER moved that HB 265 BE AMENDED, EXHIBIT(eds54a06) (HB026503.aem).

Discussion:

Eddye McClure explained the amendment would address the issue of tuition credit. The credit would be paid by either the district or the student. The second amendment would insure that the entity that pays would receive the reimbursement if the student were to drop out.

SEN. BUTCHER asserted the amendment would give a school district flexibility. Ms. McClure narrated that REP. FACEY did not have a problem with the amendment.

Motion/Vote: SEN. BUTCHER'S motion that HB 265 BE AMENDED carried unanimously.

Motion/Vote: SEN. SHEA moved that HB 265 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

Amendments to House Bill No. 265
3rd Reading Copy

SENATE EDUCATION

EXHIBIT NO. 6

DATE 3/9/01

BILL NO. HB 265

Requested by Senator Edward Butcher

For the Senate Education and Cultural Resources Committee

Prepared by Eddy McClure
March 8, 2001 (8:01AM)

1. Title, page 1, line 9.

Following: "DISTRICTS"

Insert: "OR STUDENTS"

2. Page 1, line 25.

Following: "district"

Insert: "or the student"

3. Page 2, line 14.

Following: "district"

Insert: "or the student"

- END -

DATE

3-9-01

[illegible]



SENATE STANDING COMMITTEE REPORT

March 10, 2001

Page 1 of 1

Mr. President:

We, your committee on Education and Cultural Resources recommend that House Bill 265 (third reading copy - blue) be concurred in as amended.

Signed: _____

A handwritten signature in dark ink, appearing to read "Bill Glaser", written over a horizontal line.

Senator Bill Glaser, Chair

To be carried by Senator Edward Butcher

And, that such amendments read:

1. Title, page 1, line 9.
Following: "DISTRICTS"
Insert: "OR STUDENTS"

2. Page 1, line 25.
Following: "district"
Insert: "or the student"

3. Page 2, line 14.
Following: "district"
Insert: "or the student"

- END -

Committee Vote:
Yes 14, No 0.

551315SC.sjo

gfi

2001 Montana Legislature

About Bill -- Links

HOUSE BILL NO. 265

INTRODUCED BY T. FACEY, MAHLUM, K. PETERSON



AN ACT AUTHORIZING BOARDS OF TRUSTEES OF SCHOOL DISTRICTS TO ENTER INTO INTERLOCAL AGREEMENTS WITH POSTSECONDARY INSTITUTIONS TO ALLOW 11TH AND 12TH GRADE STUDENTS TO OBTAIN CREDITS THROUGH ATTENDING CLASSES AVAILABLE ONLY AT POSTSECONDARY INSTITUTIONS; PROVIDING ELIGIBILITY CRITERIA; REQUIRING PAYMENT OF FEES BY DISTRICTS OR STUDENTS; AMENDING SECTION 20-3-324, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Running start program -- authorizing class credits at postsecondary institution -- eligibility -- payment for credits. (1) As used in this section, "postsecondary institution" means a unit of the Montana university system, a public community college, or a tribal college.

(2) A school district may enter into an interlocal agreement pursuant to Title 7, chapter 11, with a postsecondary institution to institute a "running start" program to allow 11th and 12th grade students, as defined by the district, to attend classes at the postsecondary institution at a cost determined by the interlocal agreement and to obtain credits in classes not available through the school district.

(3) An agreement entered into by the district and the postsecondary institution must state the amount for each credit to be paid to the postsecondary institution by the district or the student.

(4) To participate in the program, a student shall complete a running start application provided by the district. The district shall determine whether the student has the skills needed to succeed in the proposed college coursework. If accepted, a student may earn both high school and college credits as determined by the interlocal agreement.

(5) In registering 11th and 12th grade students in the program, a postsecondary institution may not displace adult students attending the postsecondary institution.

(6) If accepted into the program, the student is responsible for transportation, books, and all supplies.

(7) If a student accepted into the program drops out of a class or classes at the postsecondary institution during the drop period established by the postsecondary institution, the postsecondary institution shall reimburse the district or the student the cost associated with the student's credits as determined by the interlocal agreement.

Section 2. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) subject to 15-10-420, establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions

of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative agreement fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, vocational education, and special education parts of this title;

(18) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(19) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

(20) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

(22) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(23) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

(24) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(25) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education; ~~and~~

(26) consider and may enter into an interlocal agreement with a postsecondary institution, as defined in [section 1], that authorizes 11th and 12th grade students to obtain credits through classes available only at a postsecondary institution; and

~~(26)~~(27) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction."

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the president of each tribal college.

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, part 7, and the provisions of Title 20, chapter 9, part 7, apply to [section 1].

Section 5. Effective date -- applicability. [This act] is effective July 1, 2001, and applies to interlocal agreements entered into on or after July 1, 2001.

- END -

Latest Version of HB 265 (HB0265.ENR)
Processed for the Web on April 12, 2001 (6:43PM)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted. See the [status of this bill](#) for the bill's primary sponsor.

[Status of this Bill](#) | [2001 Legislature](#) | [Leg. Branch Home](#)
[This bill in WP 5.1](#) | [All versions of all bills in WP 5.1](#)
[Authorized print version w/line numbers \(PDF format\)](#)

Prepared by Montana Legislative Services

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